

BOARD OF DESIGN REVIEW MINUTES

January 10, 2002

CALL TO ORDER: Vice-Chairman Stewart Straus called the meeting to order at 6:30 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive

ROLL CALL: Present were Vice-Chairman Stewart Straus; Board Members Cecilia Antonio, Hal Beighley, Mimi Doukas, Monty Edberg, Ronald Nardoza and Jennifer Shipley; and Alternate Board Member James Fitzpatrick.

Development Services Manager Steven Sparks, AICP, Senior Planner John Osterberg, Associate Planner Liz Shotwell and Recording Secretary Sandra Pearson represented staff.

Vice-Chairman Stewart Straus read the format for the meeting.

STAFF COMMUNICATION:

Development Services Manager Steven Sparks welcomed and provided a brief introduction of the newly appointed members to the Board of Design Review, as follows:

?? Jennifer Shipley

?? Cecelia Antonio

?? Mimi Doukas

all of whom were seated on the dais, as well as the alternate, James Fitzpatrick, who was seated in the audience.

He referred to an e-mail he had distributed regarding the election of officer for the year 2002, and suggested that rather than electing officers this evening, Mr. Straus continue to serve as Vice-Chairman for tonight, adding that elections could be addressed at the beginning of the meeting scheduled for January 24, 2002. Expressing his opinion that this would provide the new members with a greater opportunity for understanding the procedures, he noted that he would also like to schedule a special Work Session on January 17, 2002, for the purpose of

providing additional information regarding upcoming issues, as well as some orientation for new members.

6:35 p.m. – Mr. Edberg arrived.

Vice-Chairman Straus mentioned that he would like to provide the Board with the opportunity to elect new officers at the conclusion of this evening's meeting, emphasizing that the meeting scheduled for January 24, 2002 would be rather lengthy.

Mr. Sparks agreed that the election of officers could be addressed at either meeting.

Vice-Chairman Straus polled members of the Board and determined that all members should be available for the special Work Session scheduled on January 17, 2001. He pointed out that while he might not be available himself, adding that while this should not create any issues, he would find it necessary to review any new procedures that might be introduced.

Mr. Sparks commented that notification of this special Work Session would be provided, emphasizing that a meal would be provided at this session. Observing that staff has an entire range of issues they would like to address, he mentioned that special informational materials would be distributed.

VISITORS:

Vice-Chairman Straus asked if any member of the audience wished to address the Board on any non-agenda item. There was no response.

6:40 p.m. – Mr. Sparks left.

NEW BUSINESS:

PUBLIC HEARING:

Vice-Chairman Straus opened the Public Hearing and read the format of the hearing. There were no disqualifications of Board Members. No one in the audience challenged the right of any Board Member to hear any agenda items or participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda.

A. BDR 2001-0032 – SPRINT PCS MONOPOLE AT SW 3RD STREET TYPE 3 DESIGN REVIEW

This request is for Design Review approval for the construction of an 80-foot monopole with associated antennas, driveway, fencing, equipment

cabinets and landscaping at a location south of SW 3rd Street, east of SW Filbert Avenue and west of the Southern Pacific Railroad right-of-way. The development proposal is located on Washington County Assessor's Map 1S1-15BD, Tax Lot 3100, and on Map 1S1-15CA, Tax Lot 1900. The affected parcels are zoned Urban High Density Residential (R-1) and total approximately 4.18 acres in size. A decision for action on the proposed development shall be based upon the approval criteria listed in Section 40.10.15.3.C.

Associate Planner Liz Shotwell presented the Staff Report and discussed the applicant's request and different aspects of the application, observing that although the property is owned by Portland General Electric (PGE), access is proposed off of SW 5th Street and through the parking lot of the apartments to the south of the subject site. She pointed out that staff had been particularly concerned with the potential visual impacts to the apartment complex, noting that while the original proposal included a 5-foot wide landscape buffer with a single row of Western Rhododendrons to be located between the two properties, upon staff's suggestion, the landscape buffer had been increased to 10-feet with two rows of shrubs. She described revisions to the January 3, 2002 Staff Report, as follows:

- ?? Page 4, paragraph 1, line 4: "...final action on the application on or before March 13, 200~~4~~2."
- ?? Page 5, paragraph 10, line 1: "Surrounding area: North: ~~Pacific Gas & Portland General~~ Electric Substation."

Concluding, Ms. Shotwell recommended approval of the application, subject to certain Conditions of Approval, submitted the materials board, and offered to respond to questions.

Ms. Doukas questioned whether the issue regarding the availability of an access easement through the apartment complex has been resolved.

Ms. Shotwell advised Ms. Doukas that the issue has been resolved, adding that the applicant had successfully negotiated an access easement with the owner of the apartment complex to the south.

Senior Planner John Osterberg introduced himself and offered to respond to any questions regarding the proposal.

APPLICANT:

RON MECKLER, representing *SBA Network Services, Inc.* on behalf of *Sprint PCS, Inc.*, to whom they provide consulting services on planning and zoning issues. He described the proposal and the dual purpose of the development, which would specifically provide cellular coverage to an area (Lombard Corridor

south of 4th Street) that is not covered adequately at the present time, as well as additional capacity to the surrounding Beaverton Town Center shopping area. Observing that other potential sites had been considered, he discussed these sites and why they had not been appropriate to meet the requirements of the applicant. He pointed out that it had been determined that the *Cal Spas* site suggested by staff is located within a wetland area, noting that the proposed collocation with another carrier on a utility pole on 6th Street involved a pole only 60-feet in height would not provide adequate coverage and that this carrier had not been interested in replacing this pole with a pole that could accommodate both carriers. He mentioned that staff had also requested the applicant to investigate the possibility of collocating with *VoiceStream* at their proposed facility on 1st Street, observing that this 60-foot pole would only leave an elevation of 45-feet available to the applicant, noting that this would not provide adequate coverage.

Mr. Meckler mentioned that Mr. Mahajan, who is an engineer representing *Sprint PCS*, is available to address any questions specific to the engineering and radio frequency studies. Expressing his opinion that applicable criteria has been met, he noted that the proposal involves a compatible use that is surrounded on two sides by other utility uses, specifically the PGE Substation immediately to the north of the site, and the railroad tracks on the east side of the property. He pointed out that in response to the reaction of the surrounding community, the original site had been moved as far from the residential property line as possible without encroaching upon the delineated wetland area. He discussed the proposed buffer zone, emphasizing that only native materials would be used in the landscaping. Observing that the pole itself would be painted brown, he pointed out that the applicant is open to suggestions based upon the multiple choices available on the materials board. He mentioned that the site would be non-intrusive to the adjoining neighborhood, adding that very little traffic is anticipated, and would most likely be limited to a monthly trip for servicing and repairs. Emphasizing that no air conditioning units have been proposed, he noted that the fans that would cool the equipment would be relatively quiet. He discussed the 7-foot cedar wood fence, expressing that this would provide some noise buffering, adding that no light or odor would extend beyond this site. Noting that the applicant has not proposed to light the tower, he pointed out that they have not yet received any instructions from the FAA that might require that the applicant light the tower.

Reiterating that this area had been determined to include a wetland, Mr. Meckler pointed out that Washington County's *Clean Water Services* Agency had agreed that a 25-foot buffer would meet their requirements. He mentioned that there would be no change to the contours of the site and that no grading would be required. He discussed the access agreement between *PGE* and *Birch Meadow Apartments*, allowing the applicant to enter the site through the apartment complex parking lot. He noted that the applicant concurs with staff's comments regarding landscaping, adding that although there has not been adequate time to file an amended landscape plan, the suggested Western Red Cedar trees would be

installed along the southern boundary line in order to screen the site from the abutting apartment buildings. He mentioned that the Planning Commission had approved their related application, with essentially the same conditions, on January 2, 2002. Concluding, he reiterated that Mr. Mahajan, who is an engineer representing *Sprint PCS*, is available to address any questions specific to the engineering and radio frequency studies, as well as Phil Grillo, of *Miller Nash*, who provides legal counsel for the applicant, and offered to respond to any questions or comments.

Mr. Edberg referred to a communication from Jim Brooks, dated April 10, 2001, regarding an alternative site located just north of 3rd Street that had been offered by Mr. McTarnahan, requesting clarification of whether this site had been considered.

Mr. Meckler advised Mr. Edberg that the applicant had investigated that site, adding that although he is not familiar with the outcome of that investigation, he would like to allow April Copeland to address this issue.

APRIL COPELAND, representing *SBA Network Services, Inc.*, observed that Mr. McTarnahan had been present at the Neighborhood Meeting, at which time he had suggested a site that is located two blocks north of the proposed site, emphasizing that the zoning at that location restricted the potential height of the monopole to 60-feet, which would not provide adequate coverage.

Ms. Doukas advised Ms. Copeland that the proposed site also includes a height restriction of 60-feet.

Ms. Copeland clarified that the height restriction at the site proposed by Mr. McTarnahan is actually only 35-feet, adding that a Variance would only allow for a maximum of 60-feet.

Vice-Chairman Straus questioned whether the applicant had explored the option of accessing the site through the church parking lot.

Mr. Meckler informed Vice-Chairman Straus that while accessing the site through the church parking lot had been discussed at one point, because *Sprint PCS* had indicated a preference for providing the required parking within their compound, this access had not been pursued.

Ms. Copeland clarified that while this issue had been discussed at one point, the result had been an either/or situation, specifically through either the Birch Meadow Apartments or through the church site, emphasizing that the easement had been successfully negotiated first with the apartment complex.

KEVIN MARTIN, Wireless Consultant for *PGE*, pointed out that there had been no response to their efforts to contact the church regarding the access issue,

adding that Mr. Brooks' decision to enter into an agreement with *PGE* had been the determining factor.

PUBLIC TESTIMONY:

On question, no member of the public appeared to testify regarding this application.

Referring to Condition of Approval No. 18, Mr. Martin emphasized that the Western Red Cedar trees should not be planted within 50-feet of transmission lines of substation.

Ms. Shotwell mentioned that the Paper Bark Maple trees referred to in the applicant's statement are actually Big Leaf Maple trees.

The public portion of the Public Hearing was closed.

Mr. Beighley **MOVED** and Mr. Nardozza **SECONDED** a motion for the approval of BDR 2001-0132 – Sprint PCS Monopole at SW 3^d Street Type 3 Design Review, based upon the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts, findings and conclusions found in the Staff Report dated January 3, 2002, including recommended Conditions of Approval Nos. 1 through 19.

Observing that the issues mentioned in the letter from Jim Brooks were addressed publicly, Ms. Antonio requested clarification of whether Mr. Brooks is satisfied with the outcome of this situation.

Ms. Shotwell assured Ms. Antonio that her conversations with Mr. Brooks had convinced her that all of his concerns had been addressed.

The question was called and the motion **CARRIED**, unanimously.

APPROVAL OF MINUTES:

The minutes of December 13, 2001, as written, were submitted. Vice-Chairman Straus asked if there were any changes or corrections.

Observing that this meeting had been held for the sole purpose of continuing the Public Hearings for BDR 2001-0145 – SW 170th Avenue & SW Baseline Road Apartments Type 3 Design Review and BDR 2001-0155 – Home Depot @ Beaverton/Hillsdale Highway Type 3 Design Review, and that only Chairman Lemon had been present on behalf of the Board of Design Review, Mr. Osterberg advised Vice-Chairman Straus that it is not necessary to take any action to approve, disapprove or revise these minutes.

MISCELLANEOUS BUSINESS:

Vice-President Straus requested input regarding the election of officers for the year 2002.

At the recommendation of Mr. Nardozza, all Board Members agreed that the election of officers for the year 2002 should be postponed until a future meeting.

Mr. Nardozza questioned whether the election of officers could be addressed at the special Work Session that has been scheduled for January 17, 2002.

Ms. Doukas advised Mr. Nardozza that the election of officers must occur at a Public Hearing.

On question, Mr. Osterberg assured Nardozza that while the election of officers can be discussed at the Work Session, the actual election should occur at a regularly-scheduled Public Hearing, either this evening or on January 24, 2002.

Mr. Beighley requested that each of the Board Members provide a brief introduction, and also describe what type of work they are involved in.

Jim Fitzpatrick observed that he has been employed by *Dull Olson Weekes Architects* for approximately six months.

Jennifer Shipley mentioned that she is a self-employed Landscape Architect, adding that she would be working for *Kurahashi & Associates* starting next week.

Monte Edberg stated that he is a Civil Engineer and has been employed by *Berger Abam* for two years.

Cecilia Antonio pointed out that she is a graphic artist employed by a very small advertising agency located in Portland.

Stewart Straus commented that he is a self-employed architect, adding that he has served on the Board of Design Review for approximately 16 years.

Observing that he is a Landscape Architect, Hal Beighley pointed out that he had initially served on the Board of Design Review for 9 years and that his current term has been for 4 years.

Noting that she also has a Bachelor's Degree in Landscape Architecture, Mimi Doukas mentioned that she is the Director of Land Use & Planning at *WRG*, observing that she would not be participating on the Home Depot application.

Mr. Beighley questioned whether in the event of such a conflict of interest, the alternate would be permitted to serve in the place of a Board Member who is recused from participating on an application.

Observing that staff is researching this issue, Mr. Osterberg advised Mr. Beighley that an answer would be provided at the Workshop Session.

Vice-Chairman Straus requested clarification of the duties of the alternate.

Mr. Osterberg informed Vice-Chairman Straus that the duties and responsibilities of the alternate would be clarified at the Workshop Session.

Observing that he has served on the Board for one year, Mr. Nardoza pointed out that he works in both residential construction management and freelance writing.

The meeting adjourned at 7:12 p.m.